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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,331

12/16/2005

Marshall Graham Bailey

CAF-34902/03

5977

25006

7590

07/28/2008

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C

PO BOX 7021

TROY, MI 48007-7021

EXAMINER

KURTZ, BENJAMIN M

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

07/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,331	<b>Applicant(s)</b> BAILEY, MARSHALL GRAHAM	
	<b>Examiner</b> BENJAMIN KURTZ	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 6/11/08 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Objections***

2. Claims 5-17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear from the claim language if the basket, the stack of screen assemblies or the flow directing tray is provided with a flow distributor. For examination purposes, it is assumed the basket is provided with a flow distributor.

Claims 2-4 are rejected as containing the same defects as claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

#### **4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiseman US 6 530 482.**

Claim 1, Wiseman teaches a basket (22), the basket mounting a stack of screen assemblies (14, 18), with superposed screen assemblies separated from each other by a respective flow directing tray (30), and being provided with a flow distributor (26, 28) formed and arranged for dividing the feed into a first feed stream and a second feed stream and directing the feed streams onto respective ones of first and second screen assemblies, and receiving filtrate from a respective screen assembly, from the respective flow directing tray (fig. 3, 4, col. 3, lines 37-51). The recitation of the basket being suitable for use in a vibratory screening apparatus, for use in removing solids

from a liquid and solids mixture feed is a recitation of intended use and does not further structurally limit the basket.

Claim 2, this claim is directed to a basket but recites structural limitations directed to a vibratory screening apparatus. The structure recited in the claim does not add any further structural limitations to the apparatus to which it is directed, mainly the basket. Wiseman teaches the basket of claim 1 and is therefore deemed to meet the limitations of the claim.

Wiseman further teaches, however, the vibratory screening apparatus comprising a feed (82) a static outer housing (12), the housing comprising: a base support (12) mounting a basket (22) in floating manner, a vibrator device (24), the base support having a sump (38) and the housing having a feed device (36) formed and arranged for directing the fluid to be treated to the basket (fig. 1).

Claim 3, the flow distributor is formed and arranged to be switchable between a plurality of flow directing configurations (fig. 4, col. 3, lines 37-51).

Claim 4, the plurality of flow directing configurations includes an intensive screening configuration in which the whole of the feed is directed onto the first screen assembly and the whole of the filtrate from the first screen assembly is directed onto the second screen assembly (fig. 4, col. 3, lines 37-51).

**5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Eppenberger US 2 901 109.**

Claim 1, Eppenberger teaches a basket, the basket mounting a stack of screen assemblies (10), with superposed screen assemblies separated from each other by a respective flow directing tray (11), and being provided with a flow distributor (20) formed and arranged for dividing the feed into at least a first feed stream and a second feed stream and directing the feed streams onto respective ones of the first and second screen assemblies, and receiving filtrate from a respective screen assembly, from the respective flow directing tray (fig. 4).

Claim 2, this claim is directed to a basket but recites structural limitations directed to a vibratory screening apparatus. The structure recited in the claim does not add any further structural limitations to the apparatus to which it is directed, mainly the basket. Eppenberger teaches the basket of claim 1 and is therefore deemed to meet the limitations of the claim.

**6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt US 4 322 288.**

Claim 1, Schmidt teaches a basket, the basket mounting a stack of screen assemblies (2a-c, 14a-b), with superposed screen assemblies separated from each other by a respective flow directing tray (4a-c, 16a-b), and being provided with a flow distributor (20) formed and arranged for dividing the feed into at least a first feed stream and a second feed stream and directing the feed streams onto respective ones of the

first and second screen assemblies, and receiving filtrate from a respective screen assembly, from the respective flow directing tray (fig. 1).

Claim 2, this claim is directed to a basket but recites structural limitations directed to a vibratory screening apparatus. The structure recited in the claim does not add any further structural limitations to the apparatus to which it is directed, mainly the basket. Schmidt teaches the basket of claim 1 and is therefore deemed to meet the limitations of the claim.

Claim 3, the flow distributor is formed and arranged to be switchable between a plurality of flow directing configurations (fig. a, 2).

Claim 4, the plurality of flow directing configurations includes an intensive screening configuration in which the whole of the feed is directed onto the first screen assembly and the whole of the filtrate from the first screen assembly is directed onto the second screen assembly (fig. 1, 2).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN KURTZ whose telephone number is (571)272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1797

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin Kurtz  
Examiner  
Art Unit 1797

/BK/ 7/24/08

/Krishnan S Menon/  
Primary Examiner, Art Unit 1797